

United States Court of Appeals For the First Circuit

DOCKETING STATEMENT

No. 16-1137

Short Title: Commonwealth of Massachussetts et al v. Aquinnah

Type of Action

- ☒ Civil
☐ Criminal/Prisoner
☐ Cross Appeal

A. Timeliness of Appeal

1. Date of entry of judgment or order appealed from 1/5/2016
2. Date this notice of appeal filed 2/1/2016
If cross appeal, date first notice of appeal filed n/a
3. Filing date of any post-judgment motion filed by any party which tolls time under Fed. R. App. P. 4(a)(4) or 4(b) 12/29/2015
4. Date of entry of order deciding above post-judgment motion 1/5/2016
5. Filing date of any motion to extend time under Fed. R. App. P. 4(a)(5), 4(a)(6) or 4(b) n/a
Time extended to n/a

B. Finality of Order or Judgment

1. Is the order or judgment appealed from a final decision on the merits? ☒ Yes ☐ No
2. If no,
 - a. Did the district court order entry of judgment as to fewer than all claims or all parties pursuant to Fed. R. C. P. 54(b)? ☐ Yes ☐ No
If yes, explain _____
 - b. Is the order appealed from a collateral or interlocutory order reviewable under any exception to the finality rule? ☐ Yes ☐ No
If yes, explain _____

C. Has this case previously been appealed? ☐ Yes ☒ No

If yes, give the case name, docket number and disposition of each prior appeal

D. Are any related cases or cases raising related issues pending in this court, any district court of this circuit, or the Supreme Court? ☐ Yes ☒ No

If yes, cite the case and manner in which it is related on a separate page. If abeyance or consolidation is warranted, counsel must file a separate motion seeking such relief.

- E. Were there any in-court proceedings below? ☒ Yes ☐ No
If yes, is a transcript necessary for this appeal? ☒ Yes ☐ No
If yes, is transcript already on file with district court? ☐ Yes ☒ No

F. List each adverse party to the appeal. If no attorney, give address and telephone number of the adverse party. Attach additional page if necessary.

1. Adverse party Aquinnah/Gay Head Community Association, Inc.
Attorney James L. Quarles, III; Felicia H. Ellsworth; Oramel H. Skinner, III
Address 60 State Street, Boston, MA 02109
Telephone 617-526-5000
2. Adverse party Town of Aquinnah
Attorney Ronald H. Rappaport; Michael A. Goldsmith;
Address 106 Cooke Street, Edgartown, MA 02539
Telephone 508-627-3711
3. Adverse party Commonwealth of Massachusetts
Attorney Bryan F. Bertram; Carrie M. Benedon; Juliana deHaan Rice
Address One Ashburton Place, Boston, MA 02108
Telephone 617-963-2583

G. List name(s) and address(es) of appellant(s) who filed this notice of appeal and appellant's counsel. Attach additional page if necessary.

1. Appellant's name Wampanoag Tribe of Gay Head (Aquinnah)
Address 20 Black Brook Road, Aquinnah, MA 02535
Telephone 508-645-9265

Attorney's name Scott Crowell
Firm Crowell Law Offices-Tribal Advocacy Group
Address 1487 W. State Route 89A, Suite 8
Telephone 425-802-5369
2. Appellant's name The Wampanoag Tribal Council of Gay Head, Inc.
Address 20 Black Brook Road, Aquinnah, MA 02535
Telephone 508-645-9265

Attorney's name Scott Crowell
Firm Crowell Law Offices-Tribal Advocacy Group
Address 1487 W. State Route 89A, Suite 8
Telephone 425-802-5369

Will you be handling the appeal? (In criminal cases counsel below will handle the appeal unless relieved by this court.) ☒ Yes ☐ No

Fed. R. App. P. 12(b) provides that each attorney who files a notice of appeal must file with the clerk of the court of appeals a statement naming each party represented on appeal by that attorney. 1st Cir. R. 12.0 requires that statement in the form of an appearance.

Signature /s/ Scott D. Crowell
Date February 23, 2016

Additional pages:

Appellants and ADDITIONAL COUNSEL

1. Appellant's name: Wampanoag Tribe of Gay Head (Aquinnah)
Address: 20 Black Brook Road, Aquinnah, MA 02535
Telephone: 508-645-9265

Attorney's name: Lael Echo-Hawk

Firm: Garvey Shubert Barer

Address: 1000 Potomac Street NW, Suite 200, Washington, DC
20007

Telephone: 202-298-1735

Attorney's name: Bruce A. Singal

Firm: Donoghue, Barrett & Singal, P.C.

Address: One Beacon Street, Suite 1320, Boston, MA 02108

Telephone: 617-720-5090

Attorney's name: Elizabeth J. McEvoy

Firm: Donoghue, Barrett & Singal, P.C.

Address: One Beacon Street, Suite 1320, Boston, MA 02108

Telephone: 617-720-5090

2. Appellant's name: The Wampanoag Tribal Council of Gay Head
Address: 20 Black Brook Road, Aquinnah, MA 02535
Telephone: 508-645-9265

Attorney's name: Lael Echo-Hawk

Firm: Garvey Shubert Barer

Address: 1000 Potomac Street NW, Suite 200, Washington, DC
20007

Attorney's name: Bruce A. Singal

Firm: Donoghue, Barrett & Singal, P.C.

Address: One Beacon Street, Suite 1320, Boston, MA 02108

Telephone: 617-720-5090

Attorney's name: Elizabeth J. McEvoy

Firm: Donoghue, Barrett & Singal, P.C.

Address: One Beacon Street, Suite 1320, Boston, MA 02108
Telephone: 617-720-5090

3. Appellant's name: The Aquinnah Wampanoag Gaming Corporation
Address: 20 Black Brook Road, Aquinnah, MA 02535
Telephone: 508-645-9265

Attorney's name: Lael Echo-Hawk

Firm: Garvey Shubert Barer

Address: 1000 Potomac Street NW, Suite 200, Washington, DC
20007

Attorney's name: Bruce A. Singal

Firm: Donoghue, Barrett & Singal, P.C.

Address: One Beacon Street, Suite 1320, Boston, MA 02108
Telephone: 617-720-5090

Attorney's name: Elizabeth J. McEvoy

Firm: Donoghue, Barrett & Singal, P.C.

Address: One Beacon Street, Suite 1320, Boston, MA 02108
Telephone: 617-720-5090

Third-Party Defendant/Appellant and Counsel

1. Appellant's name: Charlie Baker-in his official capacity as Governor of Commonwealth of Massachusetts
Address: Office of the Governor, Room 280, Boston, MA 02133
Telephone: 617-725-4005

Attorney's name: Carrie M. Benedon

Address: One Ashburton Place, Boston, MA 02108
Telephone: 617-963-2583

Attorney's name: Bryan F. Bertram

Address: One Ashburton Place, Boston, MA 02108
Telephone: 617-963-2583

2. Appellant's name: Stephen Crosby- in her official capacity as Attorney General of the Commonwealth of Massachusetts
Address: 1 Ashburton Pl, Boston, MA 02108
Telephone: 617-727-2200

Attorney's name: Carrie M. Benedon
Address: One Ashburton Place, Boston, MA 02108
Telephone: 617-963-2583

Attorney's name: Bryan F. Bertram
Address: One Ashburton Place, Boston, MA 02108
Telephone: 617-963-2583

3. Appellant's name: Stephen Crosby, in his official capacity as Chairman of the Massachusetts Gaming Commission
Address: 101 Federal Street, 12th Floor, Boston, MA 02110
Telephone: 617-979-8400

Attorney's name: Carrie M. Benedon
Address: One Ashburton Place, Boston, MA 02108
Telephone: 617-963-2583

Attorney's name: Bryan F. Bertram
Address: One Ashburton Place, Boston, MA 02108
Telephone: 617-963-2583

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2016 I electronically filed the foregoing document with the United States Court of Appeals for the First Circuit by using the CM/ECF system. I certify that the foregoing document will be sent to all counsel of record via the Court's Case Management /Electronic Case Filing (CM/ECF) System.

Date: February 23, 2016

/s/ Scott D. Crowell
SCOTT D. CROWELL